

IN THE UNITED STATE DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO
LAS CRUCES DIVISION

JUAN CARLOS LEON-HERRERA
Plaintiff

v.

**BAR-S FOODS CO D/B/A SIGMA FOODS
AND JORGE ZUNIGA ISAIS D/B/A RVJ
TRANSPORT**
Defendant

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CIVIL ACTION NO. 2:24-cv-00153

JURY TRIAL DEMANDED

**PLAINTIFF JUAN CARLOS LEON-HERRERA'S ANSWERS AND/OR
OBJECTIONS TO DEFENDANT JORGE ZUNIGA ISAIS D/B/A RVJ TRANSPORT'S
FIRST SET OF INTERROGATORIES**

TO: DEFENDANT, JORGE ZUNIGA ISAIS D/B/A RVJ TRANSPORT, JONES, SKELTON & HOCHIULI, P.L.C., by and through their attorneys of record, Raul P. Sedillo and Sky Willard, 8220 San Pedro Drive NE, Suite 420, Albuquerque, New Mexico 87113.

COMES NOW, JUAN CARLOS LEON-HERRERA, PLAINTIFF in the above-entitled and numbered cause, and pursuant to FEDERAL RULES OF CIVIL PROCEDURE, files his Answers and/or Objections to JORGE ZUNIGA IDAIS D/B/A RVJ TRANSPORT'S FIRST SET OF INTERROGATORIES.

RESPECTFULLY SUBMITTED,

DESOUZA INJURY LAWYERS
4047 NACO PERRIN BLVD.
SAN ANTONIO, TEXAS 78217
210/ 714-4215 – PHONE
210/496-0060 – FACSIMILE

By: /S/ Jorge L. Alvarez
JORGE L. ALVAREZ
STATE BAR NO.: 24115478
jorge@jfdlawfirm.com

By: /S/ Jeffery E. Pratt

JEFFERY PRATT

STATE BAR NO.: 16239980

jpratt@jfdlawfirm.com

ATTORNEYS FOR PLAINTIFF

Certificate of Service

This will certify that a true and correct copy of the above and foregoing instrument was duly served in accordance with the FEDERAL RULES OF CIVIL PROCEDURE on October 24, 2024 upon the following:

VIA CM/ECF NOTIFICATION SYSTEM AND/OR VIA E-MAIL:

JONES, SKELTON & HOCHULI, P.L.C.

8220 San Pedro Drive NE, Suite 420

Albuquerque, New Mexico 87199

Telephone: 505-339-3500

Raul P. Sedillo

E-Mail: rsedillo@jshfirm.com

Sky Willard

E-Mail: swillard@jshfirm.com

ATTORNEY FOR DEFENDANT,

JORGE ZUNIGA ISAIS D/B/A

RVJ TRANSPORT

VIA CM/ECF NOTIFICATION SYSTEM AND/OR VIA E-MAIL:

HOLLAND & HART, LLP
110 North Guadalupe, Suite 1
Santa Fe, New Mexico 87501
Telephone: 505-988-4421

Judd C. West
E-Mail: jcwest@hollandhart.com

Julia Broggi
E-Mail: jbroggi@hollandhart.com

*ATTORNEY FOR DEFENDANT,
SYGMA NETWORK, INC.*

/S/ JORGE L. ALVAREZ
JORGE L. ALVAREZ

**PLAINTIFF JUAN CARLOS LEON-HERRERA'S ANSWERS
AND/OR OBJECTIONS TO DEFENDANT JORGE ZUNIGA ISAIS D/B/A
RVJ TRANSPORT'S FIRST SET OF INTERROGATORIES**

INTERROGATORY NO. 1: Please identify any and all individuals who assisted or participated in answering or responding to these Interrogatories. For each such individual, please include their full name, professional position, employer, business address, and business telephone number.

ANSWER: Jorge L. Alvarez, Attorney
Jeffery E. Pratt, Attorney
Jessica L. Price, Discovery Paralegal
Marianne Seanez, Discovery Assistant
DeSouza Injury Lawyers
4047 Naco Perrin, Suite 100
San Antonio, Texas 78217
210-714-4215

Monica Rubelia Betanzos Ramos, Spouse
c/o DeSouza Injury Lawyers
4047 Naco Perrin, Suite 100
San Antonio, Texas 78217
210-714-4215

INTERROGATORY NO. 2: State your full name, age, date of birth, address, occupation, Social Security number, driver's license number, your education, the complete address of places at which you have resided during the last ten (10) years and the dates of such residences, and the names and addresses of your spouse and any children or other person with whom you reside.

ANSWER: Plaintiff objects to this interrogatory as stated because it requests Plaintiff to provide their social security number, which constitutes privileged information that, if released in a public document, could cause undue harm and invasion of Plaintiff's privacy and property rights. Additionally, Plaintiff objects to this interrogatory on the grounds that it seeks information that is not relevant, nor is the information sought likely to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections,

Name: Juan Carlos Leon Herrera
Date of Birth: October 5, 1982
Address: c/o DeSouza Injury Lawyers, 4047 Naco Perrin Blvd., Suite 100,
San Antonio, Texas 78217
Occupation: Unemployed
Social Security: None.
Driver's License: None.
Education: CES Colegio Educativo Superacion (2007); Instituto de Servicios
Educativos y Pedagogicos Subsistema de Preparatoria Abierta
Ensenada B.C. (2012)
Past Addresses: Reforma y Bronce, Building A, Apt #12, Ensenada Mexico
Alamo 201 Fraccionamiento Villas Del Prado, Ensenada Mexico.
Spouse: Monica Rubelia Betanzos Ramos
Children: None.

INTERROGATORY NO. 3: State the name and address of each employer
you have had in the past five years to the present, the inclusive dates of employment,
your job title and duties, your wages or salary, and the reason for the termination of
your employment.

ANSWER: Plaintiff objects to this interrogatory as it seeks information that is not
proportionate to the needs of the case, irrelevant to any claim or defense, and not
likely to lead to this discovery of admissible evidence. Plaintiff further objects to this
interrogatory to the extent the information is equally available to the requesting party.

Subject to and without waiving the foregoing objections,

RVJ Transport
2147 Mallory Street
San Bernardino, California 92407
951-324-4292
November 15, 2021 – January 7, 2024
\$2,500.00 - \$2,800.00 per week, amount varied
Truck Driver
Left due to the incident that occurred on January 7, 2024

Coca Cola
Tijuana
I worked there for 15 years and left in 2019
Pay was based on commission
Truck driver delivering soda

I left due to the physical strain from the job and it starting to wear me down

INTERROGATORY NO. 4: List all civil lawsuits to which you have ever been a party, either as a plaintiff or a defendant, including in your answer (a) the style of the case; (b) the case number; (c) the court in which the suit was filed and (d) the outcome of each lawsuit. Your answer should include a description of any lawsuits regarding a worker's compensation claim.

ANSWER: Plaintiff objects as overly broad. Plaintiff further objects as irrelevant to the claim or defense, and not likely to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, none.

INTERROGATORY NO. 5: Please describe in detail any and all incidents in which you have been cited, arrested, charged, indicted, or convicted of any crime or offense. Please include the date of citation, arrest, charge, indictment or conviction, a description of the underlying conduct giving rise to the citation, arrest, charge, indictment or conviction, location of the incident, and outcome or result of the citation, arrest, charge, indictment, or conviction.

ANSWER: Plaintiff objects as overly broad. Plaintiff further objects as irrelevant to the claim or defense, and not likely to lead to the discovery of admissible evidence.

INTERROGATORY NO. 6: Please describe in detail each and every injury, loss and item of damage you are claiming in this lawsuit, providing a factual basis for each claim, the amount, the nature, and the extent of those damages, the names of any witnesses that you intend to rely on to prove those damages; and, for injuries, illnesses, or disability claimed, whether you have fully recovered therefrom, and, if so, state the approximate date upon which recovery was complete, when it is

contemplated that recovery will be complete, or whether it will be claimed that the injury, illness or disability will be permanent. In your answer, please include the amount of the alleged damages, with each amount itemized.

ANSWER: As a result of the incident, my left arm was amputated up to the elbow, I had cuts to my head that are still healing, as well as staples in my head due to cuts I sustained. I am also experiencing loss of memory as a result of the collision.

INTERROGATORY NO. 7: Please identify each and every health care provider (including any mental health providers) that you have seen for any injury, illness, disability, ailment or condition which you allege is related to the incident which is the subject of this lawsuit.

ANSWER: Plaintiff refers Defendant to the billing and medical records provided in response to Required Disclosures.

INTERROGATORY NO. 8: Other than those persons identified in your answer to Interrogatory No. 7, please identify each and every health care provider that you have seen for any reason in the last ten (10) years. For each such provider identified, please describe the date of treatment, the treatment provided, and the reason for each such visit.

ANSWER: Plaintiff objects to this interrogatory as overly broad. Plaintiff further objects as unduly burdensome as it constitutes a fishing expedition as to Plaintiff's entire medical history without any limitations in scope or areas that were injured as a result of the collision.

INTERROGATORY NO. 9: Please state whether you have complained of the injuries or ailments you alleged to have received in the incident at issue any time in the previous fifteen (15) years. If your answer to this Interrogatory is in the affirmative, please state the duration of such injury or ailment, the cause of such

injury or ailment, and identify which, if any, medical providers treated you for such injury or ailment (including hospitals).

ANSWER: I have never complained about any injuries that I received in this collision prior to the collision.

INTERROGATORY NO. 10: Please identify any and all health care providers, insurance companies, attorneys, government agencies, and any other person, firm, or company which may have or has asserted any lien, indemnity right, or subrogated interest in connection with the subject incident, the care and/or treatment provided, and the injuries allegedly resulting therefrom.

ANSWER: Plaintiff objects to this interrogatory as it constitutes an unwarranted invasion of privacy. Plaintiff further objects to this interrogatory as it seeks information that is irrelevant and not likely to lead to this discovery of admissible evidence. Specifically, the only issue relevant to medical billing is whether the amount paid or owed is reasonable. How or when the medical provider receives payment is not relevant to whether the paid or owed amount is reasonable and also constitutes a collateral source.

INTERROGATORY NO. 11: Please set forth an itemized breakdown of all expenses for doctor, hospital and other medical treatment, drugs or supplies which you have incurred since the accident by the reason of the injuries alleged, showing the total amount incurred with each creditor by name.

ANSWER: Plaintiff refers Defendant to the billing and medical records provided in response to Required Disclosures.

INTERROGATORY NO. 12: Please state the total amount of income or earnings you claim to have lost to date because of the injuries alleged in the Complaint, and the basis upon which you compute such amount. If you claim future reduction of income or earnings because of the injuries sustained in the accident, please state the annual amount of such reduction, the facts and figures on which you

will rely in support of such claim and the number of years you claim such reduction will exist.

ANSWER: I have not worked since January 7, 2024. My weekly checks were around \$2,500.00 to \$2,800.00. I have missed 42 weeks of work since the incident making my lost wages around \$105,000.00 at \$2,500.00 a week and \$117,600.00 at \$2,800.00 a week. Based on such amounts, my loss of earnings and loss of earnings capacity continue into the indefinite future.

INTERROGATORY NO. 13: Please state whether you (or anyone on your behalf) have sought or received any benefits or third party benefits, including, but not limited to, Workers' Compensation, disability benefits, insurance benefits, and/or Medicare/Medicaid benefits for the care, treatment, injury(ies), ailment(s), or condition(s) which you allege is related to the incident which is the subject of this lawsuit. Please include in your answer which benefits you sought, whether you have received such benefits, and the dates which such benefits were received.

ANSWER: None.

INTERROGATORY NO. 14: Please list any other items of expense not previously referred to in these Interrogatories which you claim to have sustained as a result of the accident alleged in the Complaint.

ANSWER: Please see Plaintiff's most recent Complaint. Plaintiff will supplement as discovery continues.

INTERROGATORY NO. 15: Please state the name and address of each person who has made a statement to you, your attorney or an investigator on your behalf since the accident with reference to how the accident occurred, or with reference to your injuries sustained in the accident. As to any such statement or statements, please state the time and place of the statement, the name and address

of any other person present, the substance of each such statement, and the identity of the person making the statement.

ANSWER: Plaintiff objects to this interrogatory as overly broad. Plaintiff further objects to the extent the requested information is equally available to the requesting party or not discoverable based on attorney work product.

Subject to and without waiving the foregoing objections, none.

INTERROGATORY NO. 16: Please describe any statement that you have given to anyone (other than your attorneys) regarding the incident that is the subject of this lawsuit, the injuries alleged, and/or the lawsuit. For each such statement, please identify the date of each statement, whether the statement is recorded, handwritten, typed, or transcribed and indicate to whom each statement was given and their address.

ANSWER: Plaintiff objects to this interrogatory as overly broad. Plaintiff further objects to the extent the requested information is equally available to the requesting party.

Subject to and without waiving the foregoing objections, none other than those I have made to attorneys and the officers at the scene.

INTERROGATORY NO. 17: Please state the name, address, telephone number of any person, whom you believe has, or purports to have, any knowledge or information pertaining to the circumstances of the accident and damages alleged in your Complaint and state, insofar as you know, the nature of such knowledge or information.

ANSWER: Plaintiff objects to this interrogatory as overly broad. Plaintiff further objects to the extent the requested information is equally available to the requesting party.

Subject to and without waiving the foregoing objections, Plaintiff refers Defendant to Plaintiff's 26(a)(1) Initial Disclosures for the answer to this interrogatory.

INTERROGATORY NO. 18: Please identify each person you may call as a witness at the trial of this matter and briefly summarize the testimony you expect to elicit from each such person.

ANSWER: Plaintiff will designate his non-expert and expert witnesses and provide any corresponding documentation in accordance with any scheduling order entered by the Court and will produce the documents required by the Federal Rules of Civil Procedure.

INTERROGATORY NO. 19: For each expert witness you may call at trial, please state the person's name, the subject matter on which the expert is expected to testify, a summary of the facts and opinions to which each such expert is expected to testify, and a summary of the grounds for each such opinion.

ANSWER: Plaintiff will designate his expert witnesses and provide any corresponding documentation in accordance with any scheduling order entered by the Court and will produce the documents required by the Federal Rules of Civil Procedure.

INTERROGATORY NO. 20: Please list each and every exhibit you intend to introduce at the trial of this matter.

ANSWER: Plaintiff will provide Defendant with a list of trial exhibits in accordance with any scheduling order entered by the Court and will produce the documents required by the Federal Rules of Civil Procedure.

INTERROGATORY NO. 21: Please identify your cellular telephone provider at the time of the accident, including the account number, the name the account is registered under, and your telephone number at the time.

ANSWER: My phone was with T-Mobile; I am not certain of the account number. The phone was under my name and the number was 909-402-9030.

INTERROGATORY NO. 22: Please identify every inspection or attempted inspection of the tractor and or trailer involved in this incident. In your identification, please include the date of the inspection or attempted inspection, all individuals who attended the inspection or attempted inspection, whether individuals attending the inspection or attempted inspection identified themselves and for which party or entity did they identify themselves (i.e. Plaintiff, Defendant, insurance carrier, etc.), whether anyone entered the tractor or trailer, and a complete list of any items which were taken during the inspection or attempted inspection. For each inspection or attempted inspection, please state whether a phone was found.

ANSWER: RVJ transport Inspection Inventory was done on September 4, 2024. Sky Willard, Defense Counsel and Richard Lopez, for DeSouza Injury Lawyers attended. A Samsung Tablet and Log Books were taken by Richard Lopez with DeSouza Injury Lawyers. Please see the bates stamped document RVJ 000218 regarding the inspection.

INTERROGATORY NO. 23: State any and all social media accounts you have and provide the username or handle.

ANSWER: Plaintiff objects to this interrogatory as seeks information that is not proportionate to the needs of the case, not limited in time or scope, irrelevant to claim or defense, and not likely to lead to the discovery of admissible evidence.

Subject to and without waiving the foregoing objections, I don't have any social media accounts other than WhatsApp.

VERIFICATION

STATE OF TEXAS

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COUNTY OF _____

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BEFORE ME, the undersigned authority, on this day personally appeared
JUAN CARLOS LEON-HERRERA known to me to be the person whose name is
subscribed to the foregoing answers to interrogatories, and after having been duly
sworn, he stated on his oath that the statements made in the foregoing
Interrogatories are within his personal knowledge and are true and correct.

Carlos Leon

Juan Carlos Leon-Herrera (Oct 22, 2024 20:24 PDT)

JUAN CARLOS LEON-HERRERA

SWORN TO AND SUBSCRIBED BEFORE ME on this 23rd day of
October, 2024.

Marianne Seanez

**NOTARY PUBLIC, IN AND FOR THE
STATE OF TEXAS**



My Commission Expires: 8/7/28